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DISCRIMINATION AGAINST WOMEN

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Initial report of States parties

CZECH REPUBLIC

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Initial report of the Czech Republic regarding the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, 1993-1994

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Part One

GENERAL

1. INTRODUCTION

1. The Czech Republic was established on 1 January 1993 after the division of the Czech and Slovak Federal Republic into two independent and sovereign States. On 19 January 1993, the Czech Republic became a Member of the United Nations and succeeded to all human rights instruments binding on the former Czechoslovak State.

2. On 17 July 1980, the former Czechoslovak Socialist Republic signed the Convention on the Elimination of All Forms of Discrimination against Women (hereafter "the Convention") with the following reservation: "In accordance with article 29, paragraph 2 of the Convention ..., the Czechoslovak Socialist Republic does not consider itself bound by paragraph 1 of its article 29. The Czechoslovak Socialist Republic maintains that the potential disputes arising from the interpretation or implementation of the Convention should be settled by negotiation between parties to the dispute or in some other manner agreed between the parties."

3. The Convention entered into force in respect of the Czech Republic in accordance with its article 27, paragraph 2 on 18 March 1982. The Convention was promulgated in the Collection of Laws under No. 62/1987 Coll. The reservation regarding article 29 of the Convention was withdrawn by the Government of the Czech and Slovak Federal Republic on 26 April 1991.

4. By virtue of Constitutional Law No. 4/1993 Coll. on measures associated with the dissolution of the Czech and Slovak Federal Republic, the Czech Republic assumed all the obligations arising from international law in respect of the Czech and Slovak Federal Republic on the day of its dissolution, except for the obligations of the Czech and Slovak Federal Republic associated with the territory to which the sovereignty of the Czech and Slovak Federal Republic extended but to which the sovereignty of the Czech Republic does not extend. The law took effect on 31 December 1992, i.e. the Czech Republic has been bound by the Convention since 1 January 1993.

5. On 16 February 1993, the Czech Republic as a successor State to the Czech and Slovak Federal Republic notified the Secretary-General of the United Nations about its intention to be bound by the international multilateral treaties to which the Czech and Slovak Federal Republic was a party on the day of its dissolution. The declaration applied also to the obligations arising from the Convention in respect of the Czech Republic. On 22 February 1993, the notification regarding the succession of the Czech Republic to the Convention was published by the Secretary-General of the United Nations with effect from 1 January 1993.

2. GENERAL SOCIAL, ECONOMIC, POLITICAL AND LEGAL CONDITIONS

2.1. Country and population

6. The Czech Republic was established on 1 January 1993 after the division of the Czech and Slovak Federal Republic into the Czech Republic and the Slovak Republic.

7. The area of the Czech Republic is 78,864 sq km. The territory of the State is divided into 7 regions, 89 districts and 6,196 municipalities. The territory of the capital city of Prague forms an independent administrative unit.

2.2. Demographic data

8. Statistical data valid on 31 December 1992 show that the Czech Republic had a population of 10,325,697, including:

Males	Single:	2 083 455	Females	Single:	1 720 862
	Married:	2 549 750		Married:	2 551 283
	Divorced:	256 194		Divorced:	348 087
	Widowed:	124 014		Widowed:	692 052
i.e.	total:	5 013 413	i.e.	total:	5 312 284

9. The density of population in the Czech Republic in 1992 was 131 inhabitants per sq km.

10. Statistical data valid on 31 December 1992 show that the Czech Republic had 2,120,852 inhabitants under the age of 15 years, including 1,086,101 males and 1,034,751 females, and 1,314,910 inhabitants over the age of 65 years, including 494,991 males and 819,919 females.

11. Births totalled 122,142 in 1992, including 121,705 live births and 437 stillbirths. Out of the 109,060 legitimate births, 108,697 were live births and 363 stillbirths; the remaining 13,082 illegitimate births included 13,008 live births and 74 stillbirths.

12. Abortions totalled 106,763 in 1992, including 93,435 induced abortions, 13,324 spontaneous abortions and 4 other abortions.

13. Deaths totalled 120,337 in 1992, including 61,767 males and 58,570 females.

14. Life expectancy in 1992 was 68.5 years for males and 76.1 years for females. In the same year, the number of live births per 1,000 inhabitants was 11.8 and the number of deaths per 1,000 inhabitants was 11.7. The natural population increase per 1,000 inhabitants was 0.1. The number of marriages per 1,000 inhabitants was 7.2, and the number of divorces per 100 marriages was 38.6. Infant mortality (deaths under 1 year of age per 1,000 live births) was

9.9 and neonatal mortality (deaths under 28 days of age per 1,000 live births) was 6.2.

15. According to the 1991 census, the structure of population as regards nationality was determined as follows:

Nationality	Czech:	8 363 768 inhabitants	(81.2 per cent)
	Moravian:	1 362 313	(13.2 per cent)
	Slovak:	314 877	(3.1 per cent)
	Polish:	59 383	(0.6 per cent)
	German:	48 556	(0.5 per cent)
	Silesian:	44 446	(0.4 per cent)
	Romany:	32 903	(0.3 per cent)
	Hungarian:	19 932	(0.2 per cent)

and others.

16. According to the 1991 census, the structure of population of the Czech Republic as regards mother languages was determined as follows:

Language	Czech:	9 871 180 inhabitants	(95.8 per cent)
	Slovak:	239 355	(2.3 per cent)
	Polish:	52 362	(0.5 per cent)
	German:	40 907	(0.4 per cent)
	Romany:	24 294	(0.3 per cent)
	Hungarian:	20 260	(0.2 per cent)

and others.

17. According to the 1991 census, the structure of population of the Czech Republic as regards religious groups was determined as follows:

Undenominational:	4 112 864 inhabitants	(40 per cent)
Roman Catholic:	4 021 385	(39 per cent)
Protestant:	203 996	(2 per cent)

and others.

2.3. Economy

18. The Czech Republic has entered the sixth year of transformation of its centrally planned economy to a market economy.

19. The economically active population of the Czech Republic totalled 5,421,102 in 1991, including 2,838,657 males and 2,582,445 females (i.e. 47.6 per cent of total population).

20. The unemployment rate in 1994 oscillated around 3 per cent, and the rate of inflation was 9.6 per cent.

21. Gross domestic product in 1993 was CK 923.1 billion, gross domestic product per capita was CK 89,352.

2.4. Political and legal system

22. The Constitution of the Czech Republic (hereafter "the Constitution") was adopted on 16 December 1992 and promulgated as Law No. 1/1993 Coll., Constitution of the Czech Republic. Pursuant to the Constitution, the Czech Republic is a sovereign, unified and democratic law-observing State based on the respect for the rights and freedoms of the individual and citizen. Every citizen may do whatever is not forbidden by law, and no one may be forced to do what the law does not enjoin.

23. Part of the Constitutional Order of the Czech Republic is the Charter of Fundamental Rights and Freedoms (hereafter "the Charter"), promulgated as Law No. 2/1993 Coll. The fundamental rights and freedoms enjoy the protection of the judiciary. Ratified and promulgated international accords on human rights and fundamental freedoms to which the Czech Republic has committed itself are immediately binding and are superior to law.

24. Legislative power. Legislative power in the Czech Republic is vested in the Parliament. The Parliament is composed of two chambers, the Chamber of Deputies and the Senate. The Chamber of Deputies has 200 deputies elected for a term of four years. Senators have so far not been elected. Elections to the Chamber of Deputies are held on the basis of universal, equal and direct suffrage by secret ballot, according to the principles of proportional representation. Every citizen of the Czech Republic who has reached the age of 18 years has the right to vote. Every citizen of the Czech Republic who has the right to vote and has reached the age of 21 years may be elected to the Chamber of Deputies.

25. Draft laws are submitted to the Chamber of Deputies. A draft law approved by the Chamber of Deputies is forwarded to the Senate. The Government has the right to comment on all draft laws. Adopted laws are signed by the Chairman of the Chamber of Deputies, the President of the Republic and the Prime Minister. A law takes effect upon its promulgation.

26. The President. The head of State is the President of the Republic, elected by the Parliament at a joint session of both chambers. The term of office of the President of the Republic is five years and no one can be elected for more than two consecutive terms of office. Any citizen who has the right to vote and has reached the age of 40 may be elected President of the Republic. The President has the right to attend the sessions of both chambers of the Parliament and the meetings of the Government.

27. The Government. The supreme organ of executive power is the Government, composed of the Prime Minister, Deputy Prime Ministers and Ministers. The Government is accountable to the Chamber of Deputies. The President of the Republic appoints the Prime Minister and, on his suggestion, appoints other members of the Government. A member of the Government must not pursue activities whose nature is incompatible with the exercise of his office. The

Government is entitled to submit to the Chamber of Deputies a request for a vote of confidence. The Prime Minister offers his resignation to the President of the Republic, while other members of the Government offer their resignations to the President of the Republic through the Prime Minister. The Government makes decisions as a body. The adoption of a resolution of the Government requires the consent of an absolute majority of all its members. For the implementation of a law and within its limits, the Government has the right to issue decrees. Ministries and other administrative organs, as well as the organs of territorial self-administration, may issue legal regulations on the basis of and within the limits of law, if so authorized by law.

28. The Public Prosecutor's Office represents public prosecution in criminal proceedings and fulfils other tasks as well, if determined by law.

29. The judicial power is exercised by independent courts on behalf of the State. Judges are independent in the execution of their office. The office of a judge is incompatible with the office of the President of the Republic, member of Parliament or any other office in public administration. Other activities incompatible with the office of a judge are determined by law.

30. The Constitution and a special law stipulate that the judicial organ in charge of the protection of constitutionality is the Constitutional Court, composed of 15 judges appointed by the President of the Republic for a term of 15 years. The Constitutional Court decides, inter alia, on the repeal of laws or their individual provisions in case they are inconsistent with the constitutional law or with an international agreement under article 10 of the Constitution, on constitutional complaints against valid decisions and other interference by public authorities regarding the fundamental rights and freedoms guaranteed by the Constitution. The law determines by whom and under what conditions a complaint may be lodged as well as other rules of proceedings before the Constitutional Court. In decision-making, judges of the Constitutional Court are bound only by constitutional laws and international agreements under article 10 of the Constitution and by the law on the establishment of the Constitutional Court and on proceedings before the Constitutional Court. The enforceable judgments of the Constitutional Court are binding on all organs and persons.

31. The task of courts is above all to protect rights in the manner determined by law. Only a court may decide on the guilt and penalty for criminal offences. The judiciary consists of the Supreme Court, the Supreme Administrative Court, and high, regional and district courts. Their jurisdiction and organization are determined by law. Judges are appointed by the President of the Republic for an unlimited term. In decision-making, judges are bound by law. All parties to an action enjoy equal rights before the court. Proceedings are oral and held in open court, except for cases specified by law. Judgements are always delivered in open court.

32. The Supreme Audit Office is an independent body supervising the management of State property and the fulfilment of the State budget by individual ministries, other administrative authorities and State organs as well as by natural and legal persons. The President and Vice-President of the Supreme Audit Office are appointed by the President of the Republic on the suggestion of

the Chamber of Deputies. The status, jurisdiction, organizational structure and other particulars concerning the Supreme Audit Office are determined by law.

2.5. The general legal framework of human rights protection under domestic law

33. Upon its establishment as an independent State, the Czech Republic, pursuant to article 3 of the Constitution, adopted the Charter as part of its constitutional order based on the constitutional law of the former Federal Assembly of the Czech and Slovak Federal Republic. The Charter incorporated in domestic legislation most of the civil and political rights mentioned in the International Covenant on Civil and Political Rights. Promulgation of the Charter to be a part of the constitutional order of the Czech Republic ensured the incorporation of the corresponding provisions of the Pact in Czech legislation. Moreover, under Constitutional Law No. 4/1993 Coll. on measures associated with the dissolution of the Czech and Slovak Federal Republic, the Czech Republic assumed all the obligations arising from international law in respect of the Czech and Slovak Federal Republic on the day of its dissolution (except for the obligations of the Czech and Slovak Federal Republic associated with the territory to which the sovereignty of the Czech Republic does not extend). This measure ensured continued observance of all obligations in the sphere of civil and political rights binding on the former Czech and Slovak Federal Republic and on the Czech Republic, including those exceeding the framework of obligations under the Charter. Consequently, all the necessary measures have been adopted in respect of the basic laws and regulations of the Czech Republic in order to ensure continued safeguarding of the rights recognized in the Pact after the dissolution of the Czech and Slovak Federal Republic.

34. In 1993, the Chamber of Deputies of the Parliament of the Czech Republic adopted Law No. 182/1993 Coll. on the Constitutional Court. The law, combined with the provisions on the status and jurisdiction of the Constitutional Court contained in the Constitution, considerably strengthened the domestic safeguarding of rights and freedoms pursuant to article 2 of the Pact.

35. The protection of civil and political rights is ensured above all by the institute of constitutional complaint, which may be lodged with the Constitutional Court by:

(a) A natural or legal person against the valid decision or other interference by a public authority if he/she is convinced that his/her fundamental right or freedom safeguarded by constitutional law or by an international agreement on human rights and fundamental freedoms binding on the Czech Republic has been violated;

(b) An organ of territorial self-government against unlawful interference by the State;

(c) A political party against the decision on its dissolution or against other unconstitutional or unlawful decision concerning its activities.

36. The constitutional complaint may be accompanied by a petition for the repeal of a legal regulation or its individual provision, if the object of the constitutional complaint resulted from the application of such regulation and if the complainant maintains that the regulation is inconsistent with the rights and freedoms under the Constitution and international instruments.

37. The Constitution, moreover, authorizes the Constitutional Court to repeal a legal regulation the application of which has violated a fundamental right or freedom, if such violation has been ascertained by an international organ authorized to decide on complaints regarding the violation of human rights and fundamental freedoms in the Czech Republic (that is, also the Human Rights Committee).

38. The proceedings before the Constitutional Court are regulated by law in accordance with the generally recognized democratic principles of judicial proceedings: public proceedings, independence and impartiality of judges, equality of all parties, and the right to use one's mother language.

39. A provision of crucial importance in respect of the safeguarding of civil and political rights in the sphere of public administration is the new regulation on administrative judiciary, contained in the amendment to the Code of Civil Procedure. The regulation enables the courts to make extensive inquiries into the legality of decisions adopted by the organs of State administration, territorial self-administration and other public authorities authorized to decide on the rights and duties of natural and legal persons. Pursuant to the regulation, the court may review valid decisions adopted by such organ on the basis of a complaint if the complainant maintains that the administrative decision has infringed upon his/her rights; in cases explicitly specified by law, the court may, moreover, carry out a judicial review of a hitherto unenforced administrative decision.

40. A number of other amendments to the basic material and procedural civil law regulations have been made with a view to restoring the internationally recognized principles of the protection of individuals and their rights and freedoms.

2.6. Information and publicity

41. All constitutional laws, laws and generally binding legal provisions in force in the territory of the Czech Republic are published in the Collection of Laws. Legal standards concerning human rights and fundamental freedoms are contained in the Constitution and Charter as well as in the material and procedural regulations of civil, criminal and administrative law. Annotated texts of such basic provisions with references to the judicature are published for the use of lawyers and the general public. Human rights and fundamental freedoms are frequently discussed in specialized periodicals such as Právník ("The Lawyer").

42. The Czech Republic as a member State of the Council of Europe and signatory of the European Convention for the Protection of Human Rights and Fundamental Freedoms has established the Information and Documentation Centre of the Council

of Europe which possesses documents of the organization related to human rights and freedoms. The most important documents have been translated into the Czech language for the use of the general public. The Centre, moreover, receives from the Council of Europe resolutions of the European Commission on Human Rights and of the European Court on Human Rights.

43. Information materials of the United Nations are available in the United Nations Information Centre, which provides leaflets, brochures and publications concerning the activities of the United Nations, texts of the most important conventions adopted within the framework of the United Nations, reports of special rapporteurs, studies etc.

Part Two

IMPLEMENTATION OF THE CONVENTION

1. DEFINITION OF DISCRIMINATION

44. Article 1 of the Convention on the Elimination of All Forms of Discrimination against Women defines discrimination as follows:

> "For the purposes of the present Convention, the term 'discrimination against women' shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

2. OBLIGATIONS OF THE STATES PARTIES

45. Article 2 of the Convention states:

> "States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:
>
> (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
>
> (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
>
> (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women."

2.1. Prohibition of discrimination against women

46. The basic legal provision regulating the protection of human rights and fundamental freedoms in the Czech Republic is Constitutional Law No. 2/1993 Coll., Charter of Fundamental Rights and Freedoms (hereafter "the Charter"). The Charter incorporates all fundamental human rights and freedoms, above all the right not to be deprived of life, the right not to be subjected to torture or to inhuman or degrading treatment or punishment, the freedom of thought, conscience, religious conviction and assembly, the universal and equal right to vote exercised by secret ballot, the right to fair trial, the right to personal freedom and inviolability of person and of privacy etc.

47. The principle of equality of men and women is embodied in a number of general provisions of Constitutional Law No. 1/1993 Coll., Constitution of the Czech Republic and in the Charter. The principle is, moreover, contained in other legal provisions, such as the Civil Code and the Code of Civil Procedure, the Criminal Code and the Code of Criminal Procedure, the Administrative Code, the Labour Code, the Social Security Law, and the Family Law.

48. The principle of equality is embodied in article 1 of the Charter, which states that "... All people are free and equal in their dignity and in their rights. Their fundamental rights and freedoms are inherent, inalienable, unlimitable, and unrepealable".

49. The above-mentioned principle expresses the basis of the legal status of a citizen in the legal system as a natural person with legal personality (that is, the capacity to acquire rights, assume duties and the capacity to perform legal and illegal acts). Equality is a set of equal rights and equal duties of all citizens without any legal (formal) privileges.

50. Sex is listed in article 3 of the Charter among the characteristics in connection with which discrimination is inadmissible. The article says that "... fundamental human rights and freedoms are guaranteed to everybody irrespective of sex, race, colour of skin, language, faith, religion, political or other conviction, ethnic or social origin, membership in a national or ethnic minority, property, birth, or other status".

51. The provisions of article 3 apply to all activities of State authorities, including legislative organs, public administration and courts of justice.

2.2. Protection of rights safeguarded by the Charter of Fundamental Rights and Freedoms

52. Under article 4 of the Constitution, rights and freedoms enjoy the protection of the judiciary. The fair protection of rights and justified interests of all parties to judicial proceedings is also safeguarded by the appropriate procedural provisions applicable to men and women alike, which, moreover, safeguard the constitutional principle of independence of judges. Article 36 of the Charter specifies the right to judicial and other legal protection:

> "1. Everybody may assert in the set procedure his or her right in an independent and impartial court of justice and in specific cases with another organ.
>
> 2. Anybody who claims that his or her rights have been violated by a decision of a public administration organ may turn to a court for a review of the legality of such decision, unless the law provides differently. However, review of decisions affecting the fundamental rights and freedoms listed in the Charter may not be excluded from the jurisdiction of courts.
>
> 3. Everybody is entitled to compensation for damage caused to him or her by an unlawful decision of a court, other organs of the State or public administration, or through wrong official procedure."

53. The legal instrument of protection against discrimination is an action brought to the appropriate court. Within 60 days following the entry into force of the decision on the ultimate remedy offered by law in respect of the protection of the right, and in case such remedy has not been granted from the day on which the offence covered by the constitutional complaint was committed, the natural or legal person has the right to lodge a constitutional complaint with the Constitutional Court on the basis of Section 74 of Law No. 182/1993 Coll. on the Constitutional Court.

54. Under the provisions of article 87, paragraph 1 of the Constitution, the Constitutional Court decides on the repeal of laws or their individual provisions if they are inconsistent with the constitutional law or with an international agreement under article 10 of the Constitution. Article 10 of the Constitution states that "... Ratified and promulgated international records on human rights and fundamental rights and freedoms, to which the Czech Republic has committed itself, are immediately binding and are superior to law". The Constitutional Court has similar competence in respect of other laws and regulations or their individual provisions in case they are inconsistent with the constitutional law, with law or with an international agreement.

55. The above legislation establishes the judicial protection of women against discrimination and the protection of the rights of women under the Convention.

2.3. Protection of women under criminal law

56. As a rule, the rights of men and women enjoy equal protection in criminal proceedings. This principle is embodied in the rules of criminal proceedings, contained in section 2 of Law No. 141/1961 Coll. on criminal procedure, as amended by subsequent provisions (hereafter "the Code of Criminal Procedure"), which do not provide for different procedures in respect of either sex.

3. ADOPTION OF APPROPRIATE MEASURES

57. Article 3 of the Convention states:

> "States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men."

3.1. Current situation

58. Since 1989, Czechoslovakia has seen radical social, political and economic changes. Pluralistic democracy did not exist in the country from 1948; its economy was nationalized and centrally planned, and individual rights and freedoms were violated regardless of their protection under the Constitution. The year 1989 brought about the restoration of parliamentary democracy and return to market economy.

59. Equal opportunities for women in social and personal life were part of the official ideology of the communist regime in the Czech Republic from the early 1980s. The rights of women in all spheres of their life and social activities were safeguarded by law; nevertheless, their implementation and control were limited by economic resources and political interests.

60. The communist regime implemented the policy of full employment. The right to work entailed a high rate of employment of women (over 80 per cent of women in productive age) which was, however, attributable to the poor economic situation of their families to a considerable extent and often resulted in involuntary curtailment of their maternal and family role.

61. The relatively extensive membership of women's organizations and above all the representation of women in political life through a single unified women's organization in fact facilitated their political control by government authorities and by the Communist Party. Another feature generally regarded as positive, the high employment of women, was not the result of a free option, but of a necessity. The comparatively extensive participation of women in the national economy was never compensated by social assistance in respect of their family roles. In contradiction of its proclamations about the significance of family, the collectivist ideology in practice weakened the stability of family and promoted the individualization of family life, for example, even very young children were not supposed to be brought up by their families. Such promotion

of emancipation reached absurd dimensions and the fact that some women preferred their family roles to employment and public activities was regarded as a mere residue of old bourgeois mentality.

3.2. The years 1989-1995

62. Experience gained in the past years shows that a rash, formal promotion of economic, social and political emancipation of women without adequate compensation in other spheres of their life does not lead to equality. Equality is fostered by free option, by individual decision with regard to the specific biological and social characteristics and roles of both sexes.

63. The mechanism for the promotion of equality is currently in the stage of transformation from formal, one-sided politicization of women's problems and their "management from above" to the creation of an environment in which the problems and interests of individuals could be addressed within their respective communities, above all by the authorities of territorial self-administration. Women as well as men are faced with new possibilities to freely choose a career, which nevertheless entails increased demands on individual responsibility. With the assertion of market economy, its negative impacts, inter alia on the situation of women, have become more pronounced.

3.2.1. Fundamental principles of government policy regarding the implementation of the rights of women

64. The fundamental principles of government policy regarding the implementation of rights of women had been outlined already before the dissolution of the Czech and Slovak Federal Republic in accordance with the ratified international instruments of the United Nations and with the long-term strategies adopted by the United Nations and the European Union.

65. The fundamental principles of government policy in the sphere of implementation of rights of women concern above all the position of women in the national economy, emphasizing the following tasks:

(a) To encourage the role of women in management (support of the United Nations Industrial Development Organization (UNIDO) training and retraining programmes);

(b) To encourage small firms operated by women and to conclude government contracts with them;

(c) To invite the United Nations to participate in the monitoring of new laws and regulations from the viewpoint of implementation of the Convention ...;

(d) To improve statistical recording of changes in the sphere of rights of women;

(e) To focus on family policy encouraging equality of men and women as regards child-rearing;

(f) To refrain from stressing the social roles which may entail the exclusion of women from political and economic life.

66. The monitoring of the above-mentioned sphere concentrates above all on the contacts with and participation in the activities of international organizations and their organs specializing in the problems of women, family and children, on the fulfilment of the obligations arising from international instruments and negotiations, namely, on cooperation with the organs of the United Nations, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Council of Europe.

67. The future government action in the sphere of women and family will include the formulation of family policy, measures to address the specific problems of employment of women in connection with the development of the labour market and with health protection, as well as the encouragement of consistent research and application of its results in social and political life.

68. Implementation of the measures is the responsibility of individual ministries in charge of the respective aspects of the life of women and family, that is, above all the Ministry of Labour and Social Affairs, the Ministry of Justice, the Ministry of the Interior, the Ministry of Education, Youth and Sports, the Ministry of Health and the Ministry of Finance. Costs associated with the measures are covered from the State budget or from specific funds.

3.2.2. Commission of the Parliament of the Czech Republic for the Family

69. Established in 1994, the Commission for the Family forms a part of the Committee for Petition, Human Rights and Nationalities of the Chamber of Deputies of the Parliament of the Czech Republic.

70. The Commission fulfils the following objectives and tasks:

(a) In the sphere of education, to propose and promote consistent education of children and young people to moral values, partnership relations and responsible parenthood within the system of primary and secondary schools;

(b) In the sphere of legislation, to collect and analyse opinions and experience as a basis for the envisaged amendment to the Family Law and to formulate arguments for the future debate over the basic provisions regulating social security and pension schemes on the basis of documentation, research and analysis;

(c) In the sphere of social practice, to initiate the establishment of regional crisis centres for the prevention of criminality and pathological addictions.

71. The Commission is headed by seven deputies and five experts responsible for the concrete activities of the following sections of the Commission:

(a) Section for the protection of children's rights;

(b) Section for the problems of family;

(c) Legislative section;

(d) Analysis and research section;

(e) Information and documentation section.

72. The Commission meets at least once a month, usually to discuss and express its position on a completed project.

73. The Commission is currently initiating the establishment of a supraministerial government organ in charge of research and analysis, methodology and organization in the sphere of family and protection of rights of women and children.

74. The Czech Republic is gradually integrating into the democratic international economic and social structures. The principal changes under way in the Czech society concern its emancipation in the political, economic and social sphere, emancipation of citizens in relation to the State and re-establishment of a citizen's identity, formerly suppressed by the communist system. The problems of women are undergoing similar changes and development.

3.2.3. Crime prevention

75. The system of crime prevention is currently being gradually established on the basis of government resolutions 617/94 and 341/94. The National Committee for Crime Prevention, consisting of representatives of the Ministry of the Interior, the Ministry of Labour and Social Affairs, the Ministry of Justice, the Ministry of Education, Youth and Sports, the Ministry of Health, the Ministry of Defence, the Prosecutor-General and the Institute for Criminology and Social Prevention, has been functioning since 1 January 1994.

76. The Committee is an interministerial organ in charge of coordination and methodology, which responds to the situation, structure and expected development of criminality by devising comprehensive measures to address the basic problems, including those connected with violence against women, prostitution and criminal activities associated with them. The National Committee for Crime Prevention, moreover, systematically creates conditions for the implementation of projects of crime prevention in cities and municipalities, that is, at the levels vital for the functioning of the whole crime prevention system in the Czech Republic.

77. The status and rights of victims of sexual exploitation, including women, are becoming a widely discussed issue. In the very near future, the status of crime victims is to be redefined by the social and legislative organs as well as

by the police. The Ministry of the Interior is currently preparing a handbook "SOS for the victims, witnesses and denouncers of criminal offences".

4. TEMPORARY MEASURES AIMED AT THE ELIMINATION OF DISCRIMINATION

78. Article 29, paragraph 1 of the Charter determines the right of women, adolescents and handicapped persons to increased protection of health at work and to special working conditions.

79. Article 32, paragraph 2 of the Charter guarantees special care, protection in labour relations and appropriate working conditions for pregnant women.

80. The Czech Republic has ratified a number of instruments of the International Labour Organization (ILO) concerning work and working conditions of women, including ILO Conventions Nos. 89, 100 and 101. Other conventions (Nos. 103, 127, 156 and 171) have not been ratified so far; nevertheless, their provisions may be applied in a suitable manner, for example, in collective bargaining.

81. The government policy perceives the interests, needs and problems of women to a great extent, though not exclusively, within the context of the problems of family. In this context, the policy addresses the issues of equality of women within families, the issues of social security and conditions of employment of women. Amendments to basic provisions inter alia in the sphere of family and civil law, which are part of the long-term and gradual process of recodification of basic legislation, will be prepared in the foreseeable future.

82. Czech legislation does not contain any provisions guaranteeing preferential treatment for men and denying rights to women. Some specific provisions take into account the physical abilities of women and the requirements of their irreplaceable maternal role. The rights and living conditions of men and women are in essence embodied in the social, labour, family, civil and criminal laws and will be discussed in the commentaries regarding the subsequent articles of the Convention.

5. MODIFICATION OF SOCIAL AND CULTURAL PATTERNS

83. Article 5 of the Convention states:

> "States Parties shall take all appropriate measures:
>
> (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
>
> (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their

children, it being understood that the interest of the children is the primordial consideration in all cases."

5.1. Violence against women

84. Czech legislation does not contain any specific provisions aimed exclusively at the elimination of violence against women. The legislation as such protects the personal integrity of men and women against assault, and the protection of women is, moreover, safeguarded by the more general documents such as the Criminal Code, the Social Security Law, the Family Law or the Civil Code. The legislation takes into account the fact that women may become victims of crimes with special motivation.

85. The Criminal Code provides for the protection of women as privileged targets in connection with six types of crimes (see sect. 6 below). The Criminal Code also defines the crime of murder of a newly born infant by its mother, which takes into account the fact that the perpetrator is a woman. Women serve their prison sentences under conditions determined by their physical abilities.

86. With regard to the increasing crime rate, gradual steps have been taken to update and amend the Criminal Code, reorganize prison service, address the problems of the postpenitentiary care as well as to prevent criminality. Victimology, which targets inter alia women as victims of violent acts, has attracted the considerable attention of experts.

5.2. The disabled

87. The National Action Plan for the elimination of negative consequences of disability was approved by a resolution of the Government of the Czech Republic on 8 September 1993.

88. The document contains provisions regarding the elimination of the consequences of disability, the system of measures to eliminate segregation of the disabled from the healthy population, the creation of equal opportunities and gradual elimination of all types of barriers. The Action Plan establishes the institute of personal assistants, stimulates employers to provide jobs for the disabled and aspires to change the attitude of the general public.

5.3. Education to marriage and parenthood

89. The government action in this sphere is regulated by the National Programme of Social Prevention, which provides inter alia for the improvement of education to motherhood and parenthood, sex education, prevention of unwanted pregnancy (birth control) and elimination of prostitution.

90. In addition, the Ministry of Health has prepared two programmes for the protection of the health of women and girls; the programme of healthy sexual life, covering birth control and reproduction health, and the national programme

covering care for women before planned conception, care for pregnant women and developing foetuses, including parturient and neonatal care.

91. For further information concerning article 5, see the commentary on article 16 of the Convention.

6. PROSECUTION OF EXPLOITATION OF WOMEN

92. Article 6 of the Convention states:

> "States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."

93. The Czechoslovak Republic ratified the 1926 Slavery Convention in 1930 and the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Substitutions and Practices Similar to Slavery signed in 1958. In addition, the Czech Republic has been a party to the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others since 1958.

6.1. Protection under criminal law

94. The Criminal Code contains a number of provisions aimed at the protection of women against perpetrators of criminal offences, for example, section 204, which defines the crime of pandering, section 241, aimed at the protection of women against sexually motivated crimes, or section 246, aimed at the prevention of traffic in women. Owing to the increasing occurrence of the cases of pandering, the Criminal Code was amended after 1989 with the aim of tightening sanctions in respect of this illegal activity.

95. Since the political and economic changes in 1989, the organization of prostitution and exploitation arising from it has become a serious social problem. The previous, rather ineffective provisions imposed an absolute ban on behaviour defined as pandering without differentiating the ways and circumstances under which the ban was violated.

96. Prostitution is not regarded as a crime; it may be punished as an offence pursuant to section 47 of Law No. 200/1990 Coll. on offences, as amended by subsequent provisions, on condition that it causes public nuisance or is carried out in a place accessible to the public or that the services connected with it are organized.

97. Profiting from the prostitution of women constitutes the criminal offence of pandering, prosecuted on the basis of section 204 of the Criminal Code. Pandering is defined as an act of "engaging, forcing or enticing another person to carry out prostitution or profiting from prostitution carried out by another person." Perpetrators are punished by imprisonment for a term of one to five years. In 1994, 203 cases of pandering occurred in the territory of the Czech Republic, and 192 of them were solved (that is, 94.58 per cent).

98. Traffic in women is punished as a crime pursuant to Section 246 of the Criminal Code, which states that "whoever entices, hires or transports a woman abroad with the intent to have her used there for sexual intercourse with another person shall be punished by imprisonment for a term of one to five years. The perpetrator shall be punished by imprisonment for a term of three to eight years in case he commits such act as a member of an organized group, in case he commits such act on a woman younger than eighteen years or with the intent to have the woman used for prostitution".

99. In this context, the provisions regarding other crimes, such as the endangering of public morals (section 205), should be mentioned, which provides for the criminal prosecution of or person who circulates, disseminates, makes publicly accessible, produces or imports, inter alia, pornographic works or other objects endangering public morals which depict sexual intercourse with a child. Paragraph 2 provides for the punishment of the person who offers, gives or makes accessible to a person under 18 years of age written pornographic works, sound or image carriers or pictures, exhibits them or makes them accessible in any other way.

100. Despite the comparatively widespread protection of women against exploitation connected with sexual services, the crime rate in this sphere has not shown any tendency to decline. Organized prostitution belongs to the so-called overt activities of criminal gangs in the territory of the Czech Republic which may also be targeted at Czech citizens.

101. The activities of such groups have been registered in the entire territory of the Czech Republic. Organized crime, including organized prostitution, is widespread above all in Prague and its vicinity. Organized prostitution ranks among the most usual crimes also in the area of Western and Northern Bohemia, where it is carried out by Czech and Ukrainian groups; girls are often forcibly exported from the Czech Republic or imported from Ukraine or Belarus.

102. Export of women for the purpose of forced prostitution (for example, to Italy and Germany) is carried out by Yugoslav, Kosovo Albanian, Greek and Turkish gangs as well as Czech gangs. Girls are enticed by advertisements offering jobs (waitresses, hostesses, models) in foreign countries, and are abducted and intimidated. Ukrainian gangs import girls from Ukraine and Belarus to the Czech Republic and export them to western Europe; Asian groups usually cater for the needs of their own community. Romany gangs operating in Northern Bohemia use abductions and violence. Upmarket prostitution is organized by night-club owners and taxi drivers. Russian and Ukrainian gangs obviously strive to control prostitution in hotels and night clubs. German citizens smuggle Czech prostitutes (with altered travel documents).

103. The sphere of organized prostitution, smuggling of people and illegal migration is the responsibility of the Department for Illegal Traffic in People, which is part of the Authority for the Disclosure of Organized Crime. The Department cooperates closely with the 1st and 2nd department of the Aliens and Border Police and with the Investigation and Intelligence Service; its international links include the Waidhaus Criminal Police; an effort has been made to establish cooperation with the Slovak Republic.

6.2. Health protection

104. Under section 217, the crime of endangering the moral upbringing of youth is committed by a person who "exposes a person under eighteen years of age, even through negligence, to the danger of demoralization by enabling such person to lead an idle or immoral life or enticing such person to lead an idle or immoral life". Other crimes which may be taken into consideration in this context are abduction abroad (section 231), extortion (section 235), oppression (section 237), restriction of personal liberty (section 231) and deprivation of personal liberty (section 232 of the Criminal Code).

105. Venereal diseases, HIV as well as AIDS, must be reported and are subject to a special regime during treatment. Persons with venereal diseases, women as well as men, receive medical care above all at special venereological centres. Specialized centres provide also care for HIV-positive persons and patients with AIDS. Table 1 shows the occurrence of venereal diseases, HIV and AIDS in the Czech Republic.

Table 1. Occurrence of venereal diseases, HIV and AIDS

		1990	1991	1992	1993	1994
Syphilis	Men	66	111	122	95	172
	Women	89	124	135	127	181
Gonorrhoea	Men	3 805	4 182	4 340	2 742	1 760
	Women	2 529	2 964	1 842	1 842	1 099
Lymphogranuloma venerum	Men	0	0	0	0	0
	Women	0	0	0	1	0
Ulcus molle	Men	0	0	0	0	0
	Women	0	0	0	0	0
HIV positive	Men		112			
	Women		7			
	Total		119	143	170	208

7. EQUALITY IN POLITICAL AND PUBLIC LIFE AT THE NATIONAL LEVEL

106. Article 7 of the Convention states:

> "States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:
>
> (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
>
> (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
>
> (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country."

107. As regards the political rights of women, the Czech Republic is a party to the United Nations Convention on the Political Rights of Women, which was ratified by the Czechoslovak Republic on 6 April 1955 and published in the Collection of Laws under No. 46/1955 Coll.

108. The fundamental provision regulating the right to vote is contained in article 21 of the Charter which states that "citizens have the right to participate in the administration of public affairs either directly or through free election of their representatives" and that "the right to vote is universal and equal, and shall be exercised by secret ballot". The article, moreover, declares that "citizens shall have access to any elective and other public office under equal conditions".

109. Article 22 of the Charter provides a general guarantee of political pluralism by determining that "the legal provisions governing all political rights and freedoms, their interpretation, and their application shall make possible and shall protect free competition between political forces in a democratic society".

7.1. Current situation

110. From the formal viewpoint, the participation of women in political life, including the Parliament and the Government, has declined in comparison with the preceding period. From the stipulated 30 per cent minimum, strictly observed until 1989 in order to demonstrate the increasing emancipation of women, the percentage of women in the Czech National Council (the Parliament) dropped to 10 per cent following the 1992 elections. In the years 1989-1992, the participation of women in the legislative organ accounted for 14 per cent. Women are not represented in the current Government and there is no authority representing women at the level of executive power.

111. In the years 1990-1993, over 50 women's non-governmental organizations were established in the Czech Republic. A number of them have already ceased to exist or have limited membership. An exception is three organizations, two of them functioning as umbrella associations: the Association of Women Organizations associates professional organizations, such as Women Academicians, the Association of Women Entrepreneurs and Managers as well as the Young Women's Christian Association (YWCA) etc. The Association also includes the Movement for Women's Equal Rights, established in 1990, whose candidates won 8 per cent of seats in the 1992 parliamentary elections and which participates in the debates over draft laws and regulations. Another umbrella organization is the Democratic Alternative, associating minor organizations concerned with specific problems, inter alia, the environment. The third umbrella organization is the Czech Women's Union, successor to the Union of Women, a communist women's organization, and to its organizational network, material and technical facilities.

112. The lasting mistrust provoked by the practices of the Union of Women and its representatives, directed by the Communist Party, the often involuntary participation of women in the economic sphere and in political life as well as the public opinion which responded to the communist ideology by relapsing into the patriarchal stereotypes, complicate the work of women's non-governmental organizations. Such organizations focus above all on the education of their members and on providing information about international legal standards and about activities of non-governmental organizations concerned with the equality of women.

113. On the other hand, the activities of such non-governmental organizations were stimulated by participation in the preparations for the Fourth World Conference on Women (Beijing 1995) and the Regional Preparatory Meeting in Vienna in 1994. All major women's organizations (see para. 111 above) took an active part in the preparations as well as in the regional meeting. In their report for Vienna and Beijing, they stressed as an absolute priority the need to establish a governmental agency for the problems of family, women and children. They pointed out the lack of exact data in the sphere and the necessity of impartial information regarding the attitude of women to the principal transformation steps on women: this should be the responsibility of a governmental agency. The efforts of non-governmental organizations resulted in the adoption of the appropriate provisions in the concluding documents of the Vienna preparatory meeting at the governmental as well as non-governmental levels.

114. Czech women do not form a homogenous group in terms of their attitudes and aspirations to assume leadership roles. In civil service, as well as in business, their domain is not senior posts, but rather the middle ranks. For example, women account for 11 per cent of heads of district offices, 5 per cent of mayors of towns and major municipalities and for almost 17 per cent of municipal council members. In spite of that, most women reject the re-establishment of fixed quotas for the participation of women in political life and, in line with the practice applied in most of the developed democracies, maintain that such quotas should be left to the discretion of individual political parties.

115. Table 2 shows the participation of men and women in the legislative body and table 3 the participation of women in municipal councils.

Table 2. Participation of men and women in the legislative body

Chamber of Deputies of the Parliament			
	1981	1990	1992
Women	58	22	19
Men	142	178	181
Women (percentage)	28.0	11.0	9.5

Table 3. Participation of women in municipal councils

Municipal councils		
	1990	1994
Women (total)	11 622	11 100
Women (percentage)	16.7	17.9

7.2. Participation of women in civil service

116. The representation of women in civil service and non-manufacturing spheres differs in individual sectors, for example, increased participation of women is a lasting feature inter alia of the sector of culture (54 per cent in 1991), which is, moreover, characterized by a high percentage of women in senior posts. The Ministry of Culture has approximately 35 per cent of women in senior posts and the figure for institutions directly subordinate to the Ministry varies between 47 and 85 per cent.

117. The situation is different in the typically feminized sphere of education, characterized by a small percentage of men, usually in senior posts. An example of a different structural and functional differentiation is the Ministry of the Interior. Within the framework of the Ministry and institutions subordinate to it, only 5.2 per cent of women hold senior posts within the security sector and 34.5 per cent within the civil administrative sector.

8. EQUALITY IN POLITICAL AND PUBLIC LIFE AT THE INTERNATIONAL LEVEL

118. The Convention establishes the preconditions for the development of the activities of women at the international level in article 8, which states:

"States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations."

119. Women have equal opportunities to represent the Czech Republic at the international level. Members of the staff of the Ministry of Foreign Affairs are assigned to Czech diplomatic missions in foreign countries for 4-5 years after spending some time (2-3 years) at headquarters.

120. Out of the 692 members of the staff of headquarters, 350 are women, that is, women working at the headquarters of the Ministry of Foreign Affairs represent 55.6 per cent (1 April 1995).

121. Six women hold high diplomatic posts: four of them are ambassadors and two are chargés d'affaires. The total number of men holding the posts of ambassadors and chargés d'affaires is 48.

9. EQUALITY IN MATTERS OF NATIONALITY

122. The matters of nationality and citizenship are regulated by article 9 of the Convention, which states:

"1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

"2. States Parties shall grant women equal rights with men with respect to the nationality of their children."

9.1. General legislation

123. Apart from this Convention, the Czech Republic is also bound by the Convention on the Nationality of Married Women, ratified on 5 April 1962 and published in the Collection of Laws under No. 72/1962 Coll.

124. Article 12, paragraph 2 of the Constitution of the Czech Republic determines that a citizen cannot be deprived of his/her citizenship against his/her will.

125. The acquisition or loss of citizenship is regulated by Law No. 40/1993 Coll. on acquisition and loss of the citizenship of the Czech Republic, as amended by subsequent provisions, which does not differentiate between men and women.

9.2. Acquisition of citizenship of the Czech Republic

126. On the basis of the above-mentioned law, citizenship of the Czech Republic may be acquired:

(a) By birth;

(b) By adoption;

(c) By establishment of paternity;

(d) By being found in the territory of the Czech Republic;

(e) By declaration;

(f) By conferment.

127. Citizenship of the Czech Republic is usually acquired on the basis of the ius sanguinis principle, that is, the child acquires the citizenship of its parents. Citizenship is acquired by birth provided that at least one of the parents is a citizen of the Czech Republic and the child was born in the territory of the Czech Republic.

128. A special case is the acquisition of citizenship by an illegitimate child whose mother is a foreign national or stateless person and whose father is a citizen of the Czech Republic. In such cases, citizenship is acquired on the day of establishment of paternity, that is, either on the day of the concurrent declaration by the parents or on the day of the entry into force of the judgement establishing the paternity.

9.3. Conferment of citizenship

129. Citizenship may be conferred on a natural person over 15 years of age on the basis of his/her own request, provided that the applicant complies with all the following requirements:

(a) The applicant has been residing permanently and continuously in the territory of the Czech Republic for at least five years;

(b) The applicant proves that he/she has been released from citizenship of another State or that by acquisition of the citizenship of the Czech Republic he/she shall lose the existing citizenship of another State;

(c) The applicant has not been sentenced within the last five years for an intentional criminal offence;

(d) The applicant proves the knowledge of the Czech language.

130. Children under 15 years of age may be included on the applications of their parents; citizenship may also be conferred on such children individually at the request of their statutory representatives, for example, their parents.

131. Applications are filed with the appropriate district office according to the applicant's permanent residence and processed by the Ministry of the Interior, which may, under conditions set by law, waive the requirements contained in subparagraphs (a) and (b) and, in specific cases, also the requirement contained in subparagraph (d). The requirements may be waived provided that the applicant has permanent residence in the territory of the Czech Republic, and

(a) Was born in the territory of the Czech Republic; or

(b) Has been continuously living in the territory of the Czech Republic for at least 10 years; or

(c) Was a citizen of the Czech Republic or of the Czech and Slovak Federal Republic in the past; or

(d) Was irrevocably adopted by a citizen of the Czech Republic; or

(e) His/her spouse is a citizen of the Czech Republic.

132. The Ministry of the Interior may also waive the condition of release from the citizenship of another State in respect of applicants who have been residing permanently in the territory of the Czech Republic for at least five years if the laws and regulations of the State of which the applicant is a citizen do not permit release from citizenship or if the State refuses to issue documents proving the applicant's release from citizenship.

10. EQUAL ACCESS TO EDUCATION

133. The issue of equal access to education is covered by article 10 of the Convention:

> "States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:
>
> "(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
>
> "(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
>
> "(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this

aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

"(d) The same opportunities to benefit from scholarships and other study grants;

"(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

"(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

"(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning."

134. Article 33 of the Charter states, inter alia, that: "everybody has the right to education. School attendance is obligatory for a period specified by law."

135. In the Czech Republic, boys and girls have equal access to education. Students are entitled to study at all types and grades of schools according to their abilities, knowledge and health condition, that is, regardless of sex. The same applies to the conditions of study (including scholarships), termination of study and school-leaving certificates. This principle also regulates postgraduate study and the study of adults at universities. The fact that some institutions (for example, military schools) admit only men for certain types of study is caused by different physical abilities of men and women and cannot be regarded as discrimination.

136. The improving level of education of population of the Czech Republic in the last several decades owed much to the steadily increasing number of secondary school and university graduates which, given the existing alternation of population, gradually improved the education level. Consequently, the percentage of persons with primary education kept decreasing (for example, in 1950, persons with primary education accounted for 83 per cent of the population over 15 years of age; the percentage has since dropped to 33 per cent). Within the last 40 years, the growth was the fastest as regards university graduates (the number increased almost 9.5 times), and the sharpest as regards the number of graduates of secondary vocational schools (it increased by almost 26 per cent).

137. As regards the current level of education of women, secondary and full secondary education prevail. The above-mentioned drop in the number of persons with primary education over the last 40 years has been sharp above all as regards the female population, and the number of women with higher education has

consequently increased (approximately by one quarter, see the following table). Nevertheless, the current situation cannot be attributed to emancipation, but to the communist ideology which used the figures to demonstrate the equality of men and women. The subsequent development in the 1980s has shown the discrepancy between the increasing level of education of women and the stagnation of employment opportunities, or cases in which women have no further use for their education and training. The unfavourable impact of the traditional inflexible education system on women may be illustrated by the results of the 1984 microcensus, according to which 25 per cent of women never worked in the field for which they were trained and 30 per cent abandoned their specialization later.

138. When describing the developments since 1989, it is difficult to pinpoint any principal changes in the structure of education of women as represented by the very approximate category of highest completed education. Nevertheless, certain changes have occurred in the structuring of some fields of study. The increased offer of various study programmes will probably help to accommodate the needs of the female population, above all as regards the so-called "unit" programme of university study, the possibility to acquire the degree of bachelor, master or doctor. Table 4 gives the education structure of economically active persons pursuant to the results of the 1970 and 1991 censuses (relative frequency).

Table 4. Education structure of economically active persons

Education	1970			1991		
	Total	Men	Women	Total	Men	Women
Primary	40.4	29.5	55.3	18.7	13.9	24.0
Secondary vocational	37.1	46.7	25.7	43.1	50.6	34.7
Full secondary, total	17.1	16.8	17.4	27.8	23.2	32.9
Including: vocational	13.7	14.0	13.3	23.8	20.6	27.4
University	4.8	6.3	3.0	9.4	11.2	7.5
No education	0.1	0.1	0.1	0.1	0.1	0.1
Not coded	0.5	0.6	0.5	0.9	1.0	0.8

139. School attendance is compulsory for all children starting from the sixth year of age with the exception of persons with mental handicaps preventing their education. Upon completion of primary school, children may continue their studies at secondary vocational schools or grammar schools. Their study terminates with general school-leaving examinations. Another option is study at secondary apprentice training centres, terminating with general school-leaving examinations or final examinations. The insufficient offer of apprentice

training suitable for girls inspired the experimental establishment of six household economy schools for girls in 1990. The experiment was successful and, in the academic year 1993/94, 21,105 girls attended such schools, which also offer, apart from specialized training, the possibility to acquire complete secondary education terminating with the general school-leaving examination.

140. Secondary school graduates who have passed the school-leaving examination may go on to universities, which have recently started to offer several types of education with varying lengths of study. A number of fields of study (also at secondary schools) have become the domain of the female population, whose orientation towards the humanities and social sciences is obvious. Some types of secondary schools (health care, teacher-training, librarianship) have become predominantly feminized. Female students also prevail at institutions of higher learning, while men have maintained a dominant position in technical fields at secondary schools as well as universities. Such a situation is not caused by unequal opportunities to study technical subjects, but it is based on the students' interests and free option. For example, primary school teachers are predominantly female (82 per cent of teachers) and the trend has maintained long-term stability. The percentages of male and female secondary school teachers are balanced; nevertheless, an upward trend in the percentage of female teachers at this type of school was recorded in 1993 (from the stable 53 to 60 per cent). On the other hand, the percentage of female members of teaching staff at universities is lower; in the academic year 1993/94 it reached approximately 30 per cent. Table 5 shows the percentage of boys and girls at grammar schools; table 6, the percentage of boys and girls at secondary vocational schools and apprentice training centres; table 7, the percentage of men and women at universities; and table 8, the structure of universities by fields of study and numbers of women.

Table 5. Percentage of boys and girls at grammar schools

Academic year	Schools	Total number of students	Total number of girls
1985/86	216	89 282	56 351
1989/90	223	101 221	61 650
1990/91	228	111 006	66 936
1991/92	258	113 450	68 442
1992/93	285	117 765	70 967
1993/94	324	122 171	73 261

Table 6. Percentage of boys and girls at secondary vocational schools and apprentice training centres

Academic year	Schools	Total number of students	Total number of girls
1985/86	378	173 432	105 856
1989/90	382	186 610	118 121
1990/91	402	190 569	120 626
1991/92	507	191 298	122 542
1992/93	708	201 209	127 872
1993/94	821	219 249	138 393

Table 7. Percentage of men and women at universities

Academic year	Schools	Total number of students	Total number of women
1984/85	23	89 940	39 051
1989/90	23	88 751	39 575
1990/91	24	96 379	42 850
1991/92	23	94 723	42 458
1992/93	23	100 513	44 266
1993/94	23	109 471	48 137

Table 8. Structure of universities in the academic year 1993/94 by field of study and number of women

University	Total number of students	Total number of women
Total	127 137	55 582
Universities	66 690	36 863
Technology	42 636	10 933
Economics	8 669	4 267
Agriculture	7 240	2 667
Art	1 902	852

11. EQUALITY IN THE FIELD OF EMPLOYMENT AND ECONOMIC RIGHTS

141. Provisions regulating the exercise of the right to employment are contained in article 11 of the Convention:

"1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

"(a) The right to work as an inalienable right of all human beings;

"(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

"(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

"(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

"(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

"(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

"2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

"(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

"(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

"(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

"(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

"3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and

technological knowledge and shall be revised, repealed or extended as necessary."

11.1. Free choice of profession

142. Under article 26 of the Charter, everybody has the right to choose freely his/her profession and the training for such profession, as well as the right to engage in enterprise and other economic activity. The conditions and limitations for the exercise of certain professions or activities may be set by law. Everybody has the right to acquire the means of his/her livelihood by work. The State provides appropriate material security to those citizens who are unable, without their fault, to exercise the right; the respective conditions are set by law. The law may determine different rules for foreign nationals.

11.2. The right to employment

143. The right to employment includes:

(a) The right to seek suitable employment (that is, corresponding to the qualification, health condition, age etc. of the applicant);

(b) The right to the retraining necessary to obtain employment;

(c) The right to unemployment benefits before taking up employment (provided that the applicant complies with certain conditions, that is, expresses genuine interest in taking up employment, starts to seek a job actively).

144. The maximum amount of unemployment benefits is CK 3,000 for all citizens; the minimum has not been fixed. Special attention is paid to the disabled (duties of employers in respect of the disabled, increased unemployment benefits etc.), fresh secondary school and university graduates and mothers with young children.

11.3. The right to equal remuneration

145. The right to equal remuneration is embodied in article 28 of the Charter, which provides for the right to equal remuneration for work and to satisfactory working conditions. Detailed provisions are contained in a number of laws and regulations concerning wages and bonuses, minimum wages and minimum wage rates based on the principle of equal remuneration for work of equal value.

146. Nevertheless, socio-economic analyses have repeatedly proved that average wages of women are lower than those of men. The hourly wages of women represent approximately three quarters of the hourly wages of men. The difference is attributable above all to the different structure of employment, reflecting the different physical abilities as well as the maternal and family role of women, who usually interrupt their professional career owing to maternity and care for

their families. Such interruptions hamper the accumulation of knowledge and experience as well as overall professional development and limit the chances to hold time-consuming and responsible posts. Women therefore take up jobs which are less demanding and consequently lower paid. On the other hand, women who prefer their professional career to the maternal and family role (above all in the intellectual sphere) receive remuneration comparable with that of men.

11.4. The right to social security

11.4.1. Pension security scheme

147. The pension security scheme provides for slightly different treatment in respect of women. Old-age pensions are paid starting from the statutory age limit and are calculated on the basis of the length of employment. For women, the statutory age limit is 57 years if the woman is childless, and the limit may be lowered to 53 years depending on the number of children. For men, the statutory age limit is 60 years. In the period 1 January 1996-31 December 2006, the limit will increase gradually so as to reach 62 years for men and 61 years for women, with a corresponding lowering to 57 years, depending on the number of children, by 1 January 2007.

148. Another difference is the legal right to the widow's pension, which was originally provided only to women. The widower's pension, paid for a period of one year following the death of a spouse (or longer) subject to compliance with the statutory conditions, was to be introduced on 1 January 1996. Other types of pension include the wife's pension, provided to wives of pensioners who do not have their own income or during maternity, or the social pension, which is not a statutory benefit but which may be provided to citizens who have reached the age of 65 years, or to the handicapped without their own means of subsistence.

11.4.2. Insurance

149. Every citizen of the Czech Republic has a duty to buy health insurance coverage (on the basis of Law No. 592/1992 Coll. on general health insurance premiums, as amended by subsequent provisions), pension insurance coverage (Law No. 589/1992 Coll.) and to contribute to the State employment policy. Pursuant to Law No. 100/1988 Coll. on social security, as amended by subsequent provisions, self-employed persons need not buy sickness insurance coverage. The purpose of the system is to provide assistance in various situations. Insurance premiums are paid jointly by the citizen and his or her employer (in the case of employed persons) or in certain cases by the State. The State pays general health insurance premiums on behalf of children without their own means of subsistence, beneficiaries of pensions on the basis of the pension security scheme, beneficiaries of parental benefits (above all women - mothers), persons on maternal and further maternal leave, unemployed job applicants, beneficiaries of social care benefits with an income below the subsistence level, helpless persons and persons caring for helpless persons, and on behalf of several other categories of persons.

150. The current provisional system of social benefits and services was to be replaced by the end of 1995. Under the new system, the structuring of benefits as well as the conditions under which such benefits may be obtained will be changed radically.

11.5. The right to protection of health and to safety in working conditions

151. The right to protection of health and to safety in working conditions, including the protection of women as mothers, is embodied in Law No. 65/1965 Coll. (Labour Code), as amended by subsequent provisions, as well as in the general provisions concerning safety and protection of health at work (sections 74 and 133 and the subsequent sections) and in the special provisions protecting pregnant women and mothers.

152. In particular, section 37 regulates the conditions of transfer to other work, section 48 prohibits the employer from giving notice to a pregnant employee or to a female employee permanently caring for at least one child under three years of age, section 150 forbids the allocation of certain types of work to women, pregnant women and mothers, and section 153 and the subsequent sections regulate the working conditions of pregnant women and mothers.

11.6. Working conditions of women

153. Working conditions of women have been regulated by a special chapter of the Labour Code since 1965. Following the amendment in June 1994, sections 149-168 of the chapter contain new provisions.

154. Until 1994, the provisions prohibiting the allocation of certain types of work to all women or to pregnant women and to mothers within nine months following the birth listed the types of work which could not be carried out by women. The list included work carried out under ground in connection with mineral working or tunnelling. The global ban was abolished in respect of women performing:

(a) Responsible and managerial functions who do not work manually;

(b) Health care and social services;

(c) Practical training;

(d) Tasks which do not involve manual work but which must be carried out under ground from time to time, and above all tasks connected with supervision, control or study.

155. Women may not carry out work which is too hard and could harm their organism, and above all work endangering their maternal function. The types of work and workplaces forbidden to all women, pregnant women and mothers within nine months following the birth are listed in the decree of the Ministry of Health. Moreover, a pregnant woman may not be allocated any work which, in the

opinion of her physician, endangers her pregnancy owing to her specific health condition. This also applies to mothers within nine months following the birth.

156. Before 1994, the provisions regarding night work imposed a global ban on night work of women with the exceptions contained in section 150 of the Labour Code. Allocation of night work to women was subject to the prior approval of the trade union. Nevertheless, the ban hindered the allocation of night work to women and was regarded not as protection of women but as an infringement of their rights with a discriminatory effect. With regard to the envisaged ratification of ILO Convention No. 171 on night work, the provisions prohibiting night work were abolished.

157. Pursuant to the provisions on the transfer to other work, the employer has the duty to transfer the woman to other work owing to her health condition, pregnancy, maternity up to the ninth month of the child's age, or for health protection.

158. Originally, the Labour Code banned business trips and transfers of pregnant women and women with children up to one year of age. Under the existing provisions, these are permitted subject to the consent of the woman. Pregnant women and women with children up to one year of age may be sent on business trips outside their place of work or residence only with their consent. Employers may transfer them only at their own request. This applies also to single mothers caring for children up to 15 years of age.

159. Under the provisions regarding termination of employment, an employer may give notice to a pregnant employee or a female employee caring for a child up to three years of age only in exceptional cases.

160. As regards working hours, the employer has the duty to comply with the request of a female employee caring for a child under 15 years of age for shorter working hours or other adjustment of the weekly working hours.

161. Under the appropriate provisions, maternity leave lasts 28 weeks (37 weeks in case of multiple birth and for single women); the employer has the duty to provide further maternity leave up to three years of the child's age. In order to facilitate intensive maternal care, the employer has the duty to provide at the woman's request further maternity leave up to four years of the child's age. The length of the leave is determined according to the mother's requirements.

162. Last, but not least, the amended Labour Code includes provisions on nursing breaks.

11.7. Care for family and child

163. In connection with pregnancy, birth and maternity, women receive special sickness insurance benefits, namely pregnancy and maternity compensation benefits, maternity benefits and child-birth grants. The purpose of the pregnancy and maternity compensation benefit, which forms part of the woman's wages, is to compensate for financial loss in the case of women who have been transferred to other, lower paid work owing to pregnancy or maternity.

164. The maternity benefit is provided for 28 weeks starting from the date of commencement of the maternity leave, subject to compliance with the statutory conditions. The amount of the benefit and the statutory conditions are regulated by Law No. 592/1968 Coll. on the extension of maternity leave, on maternity benefits and child benefits from sickness insurance, as amended by subsequent provisions. Other benefits important for care for family and child are child-birth grants, which were to be included in government contributions starting from 1 October 1995, and maternity grants, determined by Law No. 117/1995 Coll. on State social assistance.

165. Child-birth grants are paid in respect of every child subject to statutory conditions out of the mother's sickness insurance or out of the sickness insurance of a member of the mother's family. Under the regulation which will come into force on 1 October 1995, the child-birth grant is incorporated in the system of government social assistance.

166. The purpose of family member care benefit, incorporated in the health insurance scheme, is to provide compensation for the income lost by an employee due to care for an ill child under 10 years of age, care for a healthy child under 10 years of age in case its educational establishment is closed, or care for another family member if his/her condition requires such care. The benefit is provided for the first nine calendar days. A single woman permanently caring for at least one child of pre-school or school age may receive the benefit for the period of up to 16 calendar days, provided that the child continues to be ill.

167. The purpose of the parental benefit regulated by Law No. 382/1990 Coll. on parental benefits and incorporated in the system of government social assistance is to improve the situation of families with young children. The benefit is paid to the parent who, as a full-time occupation, personally and properly cares for at least one child up to four years of age or of a child up to seven years of age if the child is seriously handicapped and requires special care. Beneficiaries are not only women; men may also qualify, subject to further statutory conditions (section 11 of Law No. 117/1995 Coll.).

12. EQUAL ACCESS TO HEALTH CARE

168. Article 12 of the Convention states:

> "1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
>
> "2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connexion with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation."

169. Article 31 of the Charter says that everybody has the right to protection of his/her health. Under the public insurance scheme, everybody is entitled to free health care and to medical aids under conditions set by law.

170. In the Czech Republic, women have equal access to health care and, moreover, enjoy special attention within the framework of comprehensive health and social care for family, children and women with regard to their maternal role. The concept of care for family and children and the basic legislation regulating reproduction behaviour comply with fundamental human rights and the appropriate international instruments.

171. To enable the exercise of the rights, numerous safeguards have been created in the sphere of legislation as well as in the public health system. Within the framework of preventive health care, care in connection with pregnancy, confinement and the post-natal period is provided free of charge. Practically all births take place in medical institutions under the supervision of trained personnel. Pregnant women have to undergo regular health check-ups, they receive information about their health condition and instructions regarding birth and care for newborn children. This comprehensive care helped to bring down neonatal mortality (from 10.1 per 1.000 births in 1991 to 8.5 in 1993) and parturient mortality to one of the lowest rates in the world (under 15 per 100,000 live births, that is, the rate recommended by the World Health Organization (WHO) to be reached by the most developed countries of the world by the year 2000).

172. Another indicator proving the quality of care for pregnant women is the percentage of anaemic pregnant women (1.1 per cent of pregnant women). All pregnant women undergo two successive screenings; the haemoglobin deficiency limit is 9 mg per cent. HIV-positive pregnant women are rare. Out of the 650,083 pregnant women who underwent HIV tests before 30 June 1994, the results were positive in three cases, that is, 0.00046 per cent.

173. Czech health care authorities promote family planning and sex education, including information on contraception as a means of prevention of unwanted pregnancy, AIDS and other sexually transmitted diseases. The Association for Family Planning in the Czech Republic became part of the International Planned Parenthood Federation, an advisory organ of WHO and the United Nations in the sphere of reproduction of population in 1993. The national health care programmes (Perinatologic Programme, Reproduction Health Programme or the Family Planning Project), prepared by the Ministry of Health of the Czech Republic in 1994, should help to solve the most pressing problems.

174. Through health education and cooperation with non-governmental organizations, the appropriate authorities seek to alter public opinion regarding prostitutes as well as to monitor the incidence of venereal diseases among prostitutes.

Family planning and modification of the reproduction behaviour of women

175. In comparison with Western European States, the incidence of induced abortions in the populations of women in childbearing age is two or three times higher and represents one of the major public health problems in the Czech Republic. The country ranks among those with the highest registered numbers of induced abortions, mirroring the insufficient use of contraceptives.

176. The recent increase in the use of modern contraceptives helped to bring down induced abortions. The number of such abortions per 1,000 women of childbearing age was 49.7 in 1988; by 1993, it had declined to 30.8 and the trend continued in 1994 (23.3 induced abortions per 1,000 women). The figures may seem high in comparison with the situation in western and northern Europe; nevertheless, they indicate a decisive downturn in the abortion rate in the Czech Republic.

177. The decline may owe much to the increased use of modern contraceptives, recommended by the emerging private gynaecologists and promoted above all among young people, in line with the general strategy of sex education and family planning. The number of women using hormonal contraceptives has doubled in comparison with past years, while the number of IUD users shows a slight decline. Nevertheless, the number of women using contraceptives is still low in comparison with the situation in western Europe.

178. Despite the above-mentioned positive results, it must be said that public health care personnel, as well as the general public, sometimes lack sufficient knowledge or understanding regarding the use of contraceptives. For this reason, it is vital to promote sex education and disseminate information about contraception. Activities in this sphere are targeted above all at primary care provided by gynaecologists and general practitioners; physicians are encouraged to provide correct information about modern contraceptives as well as to warn people about the potential undesirable consequences, although the currently recommended contraceptives have minimum side effects.

13. FINANCIAL AND SOCIAL SECURITY

179. Article 13 of the Convention states:

> 'States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:
>
> (a) The right to family benefits;
>
> (b) The right to bank loans, mortgages and other forms of financial credit;
>
> (c) The right to participate in recreational activities, sports and all aspects of cultural life.'

13.1. Care for family and child - family benefits

180. Family benefit, part of the sickness insurance scheme, is the basic form of financial assistance to families with children. The purpose is to ease the burden of increased costs associated with the upbringing of children and to prevent the decline in the living standard of families with children in comparison with childless families. The conditions, the group of entitled persons and the amounts are set by Law No. 88/1968 Coll. on the extension of maternity leave, on maternity benefits and child benefits under the sickness insurance scheme.

181. Persons entitled to family benefits are employees and other persons having sickness insurance coverage pursuant to Law No. 54/1956 Coll. on sickness insurance of employees, as amended by subsequent provisions. The basic condition is that the entitled person is required to have a dependent child.

182. Dependent children are children and adopted children of the employee or his/her spouse up to the completion of obligatory school attendance, after which the child may continue to be regarded as a dependant up to the age of 26 years, subject to further statutory conditions.

183. The amount of child benefits is adjusted according to the age of the child and its changing needs.

13.2. Access to financial resources

184. As regards the access to bank loans, mortgages and other forms of financial credit, women enjoy equal rights with men.

13.3. The right to participate in recreational activities, sport and all aspects of cultural life

185. The right to recreation and the exercise of the right are regulated by sections 100-110c of the Labour Code, which do not differentiate between men and women.

186. In the sphere of physical training and sport, all rights of women are respected. Women are not discriminated against in any sphere of sport or physical training and have access to sports activities and to participation in national and international sports and physical training organizations. Women were granted access to university education in physical training and sport as early as 1918.

187. Women in the Czech Republic play a full and active part in the cultural life of the society. In order to facilitate the development of cultural activities, the Ministry of Culture organizes competitions *inter alia* for projects regarding spare-time artistic and other activities, projects regarding cultural activities of the disabled and the development and preservation of the culture of national minorities living in the Czech Republic.

188. Some of the submitted projects also concern the cultural and educational activities of women, including art courses, aesthetic education of children and aesthetic education of adults. Women play a remarkable role in activities connected with the aesthetic education of children - approximately 80 per cent of ensembles or art courses are headed by women. This is mainly the case with dancing and drama courses for children.

189. At present there are relatively few men's choirs in the Czech Republic. Mixed choirs with approximately 75 per cent of female singers prevail, followed by women's and girls' choirs, which are established above all at teacher-training schools. Choirs such as Iuventus Pedagogica Prague, Foerster's Chamber Ensemble Prague, Girls' Choir of the South Bohemian University, Kantilena Hradec Králové or Cantemus Liberec rank among the best Czech ensembles.

190. High-quality production of children's theatres includes numerous performances of kindergarten teachers, mainly puppet plays (for example, the time-honoured tradition of Czech and Moravian puppet plays, dating back to the nineteenth century). As a rule, performances of kindergarten teachers rank among the most creative, interesting and inspiring highlights of puppet players' festivals or workshops.

191. Women have asserted themselves even in the traditionally male spheres - the Czech Republic has excellent female amateur photographers or film-makers, as well as female professional writers, composers, artists, film directors etc.

192. Cultural institutions devote considerable portions of their programmes to activities targeted at women, responding to their interests and needs. Courses of bobbin-lace making, weaving, sewing or needlework teach skills useful in everyday life and help to cultivate good taste; nurse's courses are popular as well.

193. Czech women have shown an increasing interest in activities helping them to keep in shape - aerobics, yoga, callisthenics etc. Women who seek advice regarding their health and appearance may attend the so-called "HIT weekends", offering consultations with psychologists, cosmeticians, fashion advisers, physical training instructors etc.

194. In connection with the education of women, two forms of adult education should be mentioned in which women frequently participate - the so-called "spare time universities", offering special fields of study for women (position of parents in the family, children and their upbringing) and the so-called "third age universities", targeted at women in post-productive age who seek a useful pastime.

14. RURAL WOMEN

195. Article 14 of the Convention addresses the problems of rural women. The rights of the specific group of women are regulated as follows:

> "1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in

the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

"2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

"(a) To participate in the elaboration and implementation of development planning at all levels;

"(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

"(c) To benefit directly from social security programmes;

"(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

"(e) To organize self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;

"(f) To participate in all community activities;

"(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

"(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications."

196. As regards this sphere, discrimination between rural men and women does not exist, as both sexes enjoy equal rights, services and social security like all other citizens of the Czech Republic. There are no significant differences between rural and urban women as regards access to social security, health care and education.

15. EQUALITY IN CIVIL MATTERS

197. Article 15 of the Convention states:

"1. States Parties shall accord to women equality with men before the law.

"2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

"3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

"4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile."

198. As has already been stated above, the rights mentioned in article 15 are safeguarded by articles 1 and 3 of the Charter for men and women alike. The principle of non-discrimination is reflected in the provisions of the Civil Code and the Code of Civil Procedure.

199. The capacity of a natural person, man or woman, to have rights and duties is acquired at birth. Conceived children have the aforesaid capacity provided that they are born alive. The capacity is lost upon death. The full capacity of a natural person to acquire rights and assume duties, that is, his/her legal competence, is acquired upon attaining his/her majority.

200. Majority is attained on completion of the eighteenth year of age. Before attaining the full legal age, the majority may be acquired only by marriage. Majority acquired by marriage is not lost by termination or annulment of marriage. Minors have the legal competence to perform acts adequate to the appropriate stage of intellectual maturity. A natural person may be deprived of his/her legal competence only by the court provided that he/she suffers from a permanent mental disorder preventing the person from performing any legal acts independently. The court may change or annul the decision on deprivation or limitation of legal capacity in cases where the reasons leading to the decision have changed or ceased to exist.

16. EQUALITY IN MARRIAGE AND FAMILY MATTERS

201. Article 16 of the Convention provides for equality in marriage and family matters, as follows:

"1. States parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

"(a) The same right to enter into marriage;

"(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

"(c) The same rights and responsibilities during marriage and at its dissolution;

"(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

"(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

"(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

"(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

"(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

"2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory."

16.1. Contracting of marriage

202. In respect of contracting of marriage, men and women enjoy equal rights. The choice of spouse is a private matter between a man and a woman. Under section 1 of Law No. 66/1983 Coll. (Family Law), as amended by subsequent provisions, marriage is contracted by a voluntary decision of a man and a woman to establish a harmonious, strong and lasting partnership for life.

203. Marriage may not be contracted between ascendants and descendants and between brothers and sisters; the same applies to family relationship established by adoption. Polygamy is forbidden.

16.2. Rights and duties

204. Under section 18 of the Family Law, a man and a woman have equal rights and obligations in marriage. Both spouses have the duty to attend, according to their ability and capacity, to the satisfaction of the needs of the family founded by their marriage.

205. Matters regarding the family are decided jointly by the spouses. If they fail to agree on substantial matters, the court makes the respective decision on

the motion of either spouse. Under section 20 of the Law, neither spouse requires the consent of the other to exercise a profession and to employment.

206. Either spouse has the right to represent the other spouse in ordinary matters, in particular to take receipt of anything ordinary due to the other spouse. Acts by either spouse in attending to ordinary family matters are binding on both spouses jointly and severally.

16.2.1. Joint estate of spouses

207. The equal status of spouses is expressed by the institute of joint estate of spouses. The joint estate of spouses includes all assets obtained by either spouse in the course of the marriage, except for the assets obtained by inheritance or as gifts, objects for personal use or objects necessary for the exercise of the profession of only one of the spouses.

16.2.2. Mutual liability of maintenance

208. Under the Family Law, husbands and wives have a mutual liability of maintenance. If either spouse fails to meet this liability, the court specifies its scope on the motion of either of them, taking into consideration the fact of who takes care of their common household. The liability of maintenance is determined so that the material and cultural standards of both spouses remain in principle the same.

209. In the event of divorce, the divorced spouse who is unable to provide for himself/herself may demand from his/her former spouse a contribution towards his/her essential maintenance according to the latter's ability and capacity. If they fail to agree, the decision regarding such maintenance contribution is made by the court on the motion of either of them. The right to a maintenance contribution is voided if the entitled spouse contracts a new marriage or if the obligated spouse dies.

16.2.3. Divorce

210. A court may divorce a married couple on the suggestion of either spouse if the relations between the spouses are so seriously disturbed that the marriage can no longer fulfil its social purpose. When deciding on the divorce, the court must in particular take into consideration the interests of minor children pursuant to section 24 of the Family Law.

211. In its decisions divorcing the parents of a minor child, the court specifies the rights and duties of the parents towards their child in the period after the divorce, in particular by determining which parent will be entrusted with the upbringing of the child and how each parent is to contribute towards the maintenance of the child. The decision specifying the rights and obligations of the parents towards the child may be replaced by an agreement between the parents which enters into force upon approval by the court. When deciding on the rights and obligations of the parents or when approving the

agreement, the court sees to it that the child is guaranteed most favourable conditions for its healthy development.

212. On divorce, the joint estate of spouses ceases to exist. For serious reasons, namely if the continued existence of joint estate would be contrary to morality, the court may, on the motion of either spouse, abolish the joint estate during the existence of the marriage. When deciding on the settlement, the court sees to it that the shares of both spouses are equal. Each spouse has the right to require compensation for the contribution towards the joint estate made from his/her own funds and has the duty to provide compensation for the contribution towards his/her own estate made from the joint estate. The court, moreover, takes into consideration in particular the needs of minor children, how each spouse took care of the family and how each spouse contributed towards the acquiring and maintenance of joint estate. When assessing the contribution, the court also takes into consideration who takes care of the children and of the common household.

16.3. Rights and duties of parents and children

213. Parents play a decisive role in the upbringing of their children. Parental rights and obligations appertain to both parents. Parental rights do not appertain to a parent who does not enjoy full legal capacity. Parents have the right and the duty to represent their minor children and to administer their affairs. A child may be represented by either of his parents who has full legal capacity and who has not been deprived of his/her parental rights. Under sections 32-37 of the Family Law, neither parent may represent his/her children in respect of legal acts in which a conflict of interests might occur between the parents and their children or between the children inter se.

214. If the parents fail to agree on substantial matters in the exercise of their parental rights and obligations, the court decides in their place. If the parents of a minor child do not live together, the court determines their rights and obligations even in the absence of a motion to this effect; it will decide in particular who will have the custody of the child and how each parent will contribute to its maintenance.

16.4. Family planning

215. The Czech Government does not promote an active population policy. Individuals may freely decide how many children the family will have. Family planning is a matter decided jointly by a husband and a wife. Women as well as men have access to information on birth control. The current methods of birth control entail equal responsibility of men and women. The cost of contraceptives is partly covered from general health insurance, which is compulsory for all citizens of the Czech Republic.

216. A liberal law enabling induced abortions under very easy conditions was adopted in 1990. For lack of other means of birth control, "mini-abortions" were used as a substitute for contraceptives. This, as well as other factors, stimulated the upward trend in induced abortions. In 1988, the number of

induced abortions per 1,000 women of childbearing age was 44.3. Since 1993, the reproduction behaviour has undergone some positive changes: the number of induced abortions started to decline in 1992 and reached the rate of 39.6 induced abortions per 1,000 women of childbearing age in 1993. This trend owes much to the increased use of modern contraceptives, combined with the changing moral values.

16.5. Guardianship, wardship, trusteeship and adoption of children

217. If the interest of a child so requires, the court may place the child under the care of an individual other than the parent, who guarantees that the child will be properly brought up. In doing so, the court determines the scope of such individual's rights and duties in respect of the child. In this manner, the child may be placed under the joint care of a husband and a wife.

218. If the statutory representatives of a child, that is, parents, adopters, guardians or foster parents, have the duty to administer the estate of the person they represent, the disposal of the estate is subject to the approval of the court, except for ordinary matters.

16.5.1. Adoption

219. Under section 63 of the Family Law, adoption establishes between the adopter and the adoptee the same relationship as between parents and their children, and between the adoptee and the relatives of the adopter relations existing between relatives. Adopters have the rights and obligations of parents in the upbringing of children. The decision regarding adoption is made by the court on the motion of the adopter.

220. Only a husband and a wife may jointly adopt a child. If the adopter is a spouse, he/she may adopt only with the consent of the other spouse. Such consent is not necessary if the other spouse was deprived of his/her legal competence or if a serious obstacle is involved in procuring the consent.

16.5.2. Guardianship

221. If both parents of a minor have died, have been deprived of their parental rights or of their legal competence, the court appoints on the basis of sections 78-84 of the Family Law, a guardian who will raise the minor, represent him or her and administer his or her affairs instead of the parents. The scope of rights and obligations of a guardian is specified by the court with regard to the purpose for which the guardian was appointed, so that the protection of the interests of the minor may be fully secured. The guardian may be a man or a woman, the principal concern being that guardianship should be entrusted primarily to a relative of the minor.

16.5.3. Fosterage

222. Fosterage is regulated by Law No. 50/1973 Coll. on fosterage. Under the aforesaid law, a child whose upbringing by parents has been rendered impossible for reasons of a potentially lasting nature is entrusted to the fosterage of another citizen (the law does not distinguish between men and women), if the interest of the child so requires. The child may be entrusted to joint fosterage of a husband and a wife; if the fosterer is a spouse, he/she must procure the consent of the other spouse if the spouses live in a common household.

223. Fosterers have the rights and duties of parents in the upbringing of children; nevertheless they have the right to represent the child and administer his or her affairs only as regards ordinary matters. In case the fosterer assumes that the decision of the statutory representative of the child in other matters is not in harmony with the interests of the child, he/she may claim a decision by the court.

16.5.4. Personal rights of spouses

224. Under section 8 of the Family Law, citizens contracting marriage have the duty to concurrently state whether the surname of one of them shall henceforth be their common surname or whether they will keep their existing surnames. If they keep their existing surnames, they state which of the surnames will be the surname of their children. If the parents fail to agree on the name or surname to be borne by their child, or if neither of the parents is known, the name or surname of the child is determined by the court.

225. Within one month following the entry into force of the decree absolute, a spouse who had taken the surname of the other spouse may notify the authority charged with keeping registers that he/she is reassuming his/her former surname.

16.5.5. Minimum age of marriage

226. Section 13 of the Family Law determines that marriage cannot be contracted by minors. As an exception, if it is in keeping with the social purpose of marriage, the court may, for compelling reasons, grant permission to contract marriage to a minor older than 16 years. A marriage contracted without such permission is invalid and the court annuls it also in the absence of a motion to this effect. Nevertheless, the annulment is not made and the marriage becomes valid if the spouse who was a minor at the time of marriage has already attained the age of 18 years, or if the wife has become pregnant.

227. Marriage is contracted by a concurrent declaration of a man and a woman before an appropriate authority charged with keeping registers, or before an appropriate authority of the church.